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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/658,548 | 09/10/2003 | Nobuyuki Saruya | S0530.0005 | 3244 |
| 32172 | 7590 | 03/15/2006 | EXAMINER | |
| DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) 41 ST FL. NEW YORK, NY 10036-2714 | | | LEUBECKER, JOHN P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3739 | |

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 10/658,548 | Applicant(s) SARUYA, NOBUYUKI | |
| | Examiner John P. Leubecker | Art Unit 3739 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10-37 is/are rejected.
- 7) ☒ Claim(s) 5-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claims 5-9 are objected to because of the following informalities: in claims 5-9, recitation that the "scope unit includes the insertion portion" is redundant (note claims 1 and 2 recite this). Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3, 10-15, 18, 19, 22-29, 32, 33, 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Danna et al. (U.S. Pat. 4,539,586) for the reasons set forth in numbered paragraph 5 of the previous Office Action, paper number 09292005.

As to the newly added limitation concerning the movable connector being "movable in a direction perpendicular to an axial direction of the movable connector", it is noted that all components of Danna et al., including the base unit (20) and fixed unit (17) are "movable" in any direction. Since the base unit and fixed unit include the connectors, they too are "movable" in any direction. Thus, even if the "axial direction" of the connector is something more than an arbitrary direction (and it's not since the connector has not been defined with sufficient structure to even imply that it has any particular axis), by inherent nature of the action of attaching two connectors, one will move in a multitude of directions, especially when done by hand, before final alignment allows for physical connection to take place. The remaining newly added language states nothing more than the connectors are connected to one another, which occurs in

Danna et al. and is the inherent nature of two mating connectors.

4. Claims 1-4, 10, 12-15, 18, 19, 24, 26-29, 32 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Motoki et al. (US 2004/0133075) for the reasons set forth in numbered paragraph 6 of the previous Office Action, paper number 09292005.

Note discussion above regarding the newly added subject matter in claims 1 and 2.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 16, 17, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danna et al. for the reasons set forth in numbered paragraph 8 of the previous Office Action, paper number 09292005.

7. Claims 20, 21, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danna et al. in view of Dowdy et al. (U.S. Pat. 6,295,082) for the reasons set forth in numbered paragraph 9 of the previous Office Action, paper number 09292005.

Allowable Subject Matter

8. Claims 5-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed December 23, 2005 have been fully considered but they are not persuasive.

Applicant's arguments are based on the newly added subject matter which has been addressed in detail above. It would appear that Applicant's intention was to define the connector as having a specific direction which is movable in another specific direction *with respect to the base unit or fixed unit* (e.g., the connector including a portion which is attached to and extends outwardly from the base unit (or fixed unit) which defines an axial direction and that the connector is movable *with respect to the base unit* (or fixed unit) in a direction perpendicular to the axial direction when physically connecting with the mating connector). However, Applicant's claim language fell quite short. It must be pointed out though that movable connectors in Applicant's intended sense (e.g., allows for play with respect to the structure holding it to aid in alignment of the mating portions when being connected) are a well know concept. Note Schwab (U.S. Pat 4,432,604) which teaches a connector portion which moves in three perpendicular directions with respect to the structure holding it to aid in alignment with the mating connector portion. Thus, in the interest of advancing prosecution, Applicant is requested to not clarify the claims to recite such known feature but instead to amend claims 1 and 2 to included language directed to the invention.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

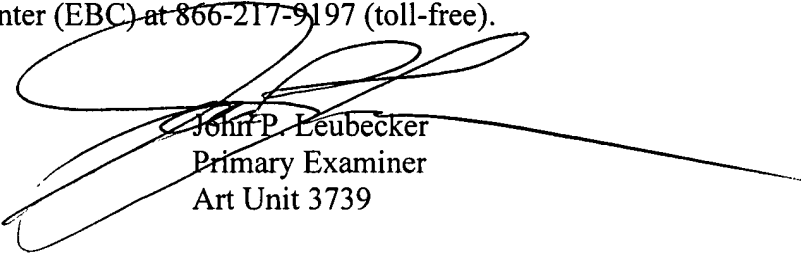
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3739

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John P. Leubecker
Primary Examiner
Art Unit 3739

jpl